

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

| | | |
|---------------------------------------|---|----------------------|
| SAMUEL LEWIS TAYLOR, Reg. No. 166914, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 07-4060-CV-C-SOW |
| |) | |
| ROBYN COMBS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

On August 1, 2008, United States Magistrate Judge William A. Knox recommended dismissing some of plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on August 15, 2008. In his exceptions, plaintiff asserts he had cases summarily dismissed because he lacked access to individuals trained in the law or to legal materials. Although plaintiff had access to cases he requested and to inmate law clerks, the court will give him the benefit of the doubt and allow his claim to proceed at this stage. The other issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted with the one modification noted above.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 1, 2008 is adopted, in part. [69] It is further

ORDERED that defendants' motion of February 29, 2008, is

(1) granted on plaintiff's official capacity claims against defendants Combs, Dormire, Patrick, Jones, Houston, Koon and Swicord:

(2) denied on his access to the courts claims against defendant Combs;

(3) denied on his retaliation claims against defendants Dormire and Jones; and

(4) denied on his Eighth Amendment exposure to ETS claim against defendant Dormire.
[45] It is also

ORDERED that plaintiff's property claims against defendants Houston and Swicord are dismissed, pursuant to 28 U.S.C. § 1915, for failure to state a claim for which relief can be granted.

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: September 2, 2008